

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 769 Session of 2009

INTRODUCED BY BOSCOLA, BROWNE, WILLIAMS, ORIE, TARTAGLIONE,
STOUT, FONTANA, HUGHES AND COSTA, APRIL 6, 2009

REFERRED TO JUDICIARY, APRIL 6, 2009

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," further providing for
11 Schedule I controlled substances.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 4(1) of the act of April 14, 1972
15 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, amended November 24, 1999 (P.L.894,
17 No.55), is amended to read:

18 Section 4. Schedules of Controlled Substances.--The
19 following schedules include the controlled substances listed or
20 to be listed by whatever official name, common or usual name,
21 chemical name, or trade name designated.

22 (1) Schedule I--In determining that a substance comes within

1 this schedule, the secretary shall find: a high potential for
2 abuse, no currently accepted medical use in the United States,
3 and a lack of accepted safety for use under medical supervision.
4 The following controlled substances are included in this
5 schedule:

6 (i) Any of the following opiates, including their isomers,
7 esters, ethers, salts, and salts of isomers, esters, and ethers,
8 unless specifically excepted, whenever the existence of such
9 isomers, esters, ethers and salts is possible within the
10 specific chemical designation:

- 11 1. Acetylmethadol.
- 12 2. Allylprodine.
- 13 3. Alphacetylmethadol.
- 14 4. Alphameprodine.
- 15 5. Alphamethadol.
- 16 6. Benzethidine.
- 17 7. Betacetylmethadol.
- 18 8. Betameprodine.
- 19 9. Betamethadol.
- 20 10. Betaprodine.
- 21 11. Clonitazene.
- 22 12. Dextromoramide.
- 23 13. Dextrorphan (except its methylether).
- 24 14. Diampromide.
- 25 15. Diethylthiambutene.
- 26 16. Dimenoxadol.
- 27 17. Dimepheptanol.
- 28 18. Dimethylthiambutene.
- 29 19. Dioxaphetyl butyrate.
- 30 20. Dipipanone.

- 1 21. Ethylmethylthiambutene.
- 2 22. Etonitazene.
- 3 23. Etoxeridine.
- 4 24. Furethidine.
- 5 25. Hydroxypethidine.
- 6 26. Ketobemidone.
- 7 27. Levomoramide.
- 8 28. Levophenacylmorphan.
- 9 29. Morpheridine.
- 10 30. Noracymethadol.
- 11 31. Norlevorphanol.
- 12 32. Normethadone.
- 13 33. Norpipanone.
- 14 34. Phenadoxone.
- 15 35. Phenampromide.
- 16 36. Phenomorphan.
- 17 37. Phenoperidine.
- 18 38. Piritramide.
- 19 39. Proheptazine.
- 20 40. Properidine.
- 21 41. Racemoramide.
- 22 42. Trimeperidine.

23 (ii) Any of the following opium derivatives, their salts,
24 isomers and salts of isomers, unless specifically excepted,
25 whenever the existence of such salts, isomers and salts of
26 isomers is possible within the specific chemical designation:

- 27 1. Acetorphine.
- 28 2. Acetyldihydrocodeine.
- 29 3. Benzylmorphine.
- 30 4. Codeine methylbromide.

- 1 5. Codeine-N-Oxide.
- 2 6. Cyprenorphine.
- 3 7. Desomorphine.
- 4 8. Dihydromorphine.
- 5 9. Etorphine.
- 6 10. Heroin.
- 7 11. Hydromorphinol.
- 8 12. Methyldesorphine.
- 9 13. Methylhydromorphine.
- 10 14. Morphine methylbromide.
- 11 15. Morphine methylsulfonate.
- 12 16. Morphine-N-Oxide.
- 13 17. Myrophine.
- 14 18. Nicocodeine.
- 15 19. Nicomorphine.
- 16 20. Normorphine.
- 17 21. Pholcodine.
- 18 22. Thebacon.

19 (iii) Any material, compound, mixture, or preparation which
20 contains any quantity of the following hallucinogenic
21 substances, their salts, isomers, and salts of isomers, unless
22 specifically excepted, whenever the existence of such salts,
23 isomers, and salts of isomers is possible within the specific
24 chemical designation:

- 25 1. 3,4-methylenedioxy amphetamine.
- 26 2. 5-methoxy-3,4-methylenedioxy amphetamine.
- 27 3. 3,4,5-trimethoxy amphetamine.
- 28 4. Bufotenine.
- 29 5. Diethyltryptamine.
- 30 6. Dimethyltryptamine.

1 7. 4-methyl-2,5-dimethoxyamphetamine.

2 8. Ibogaine.

3 9. Lysergic acid diethylamide.

4 10. Mescaline.

5 11. Peyote.

6 12. N-ethyl-3-piperidyl benzilate.

7 13. N-methyl-3-piperidyl benzilate.

8 14. Psilocybin.

9 15. Psilocyn.

10 16. Tetrahydrocannabinols.

11 17. Salvia Divinorum.

12 (iv) Marihuana.

13 (v) Any material, compound, mixture or preparation which
14 contains any quantity of the following substances, including the
15 salts, isomers and salts of isomers:

16 1. Methaqualone.

17 (vi) Gamma hydroxybutyric acid, any salt, hydroxybutyric
18 compound, derivative or preparation of gamma hydroxybutyric
19 acid, including any isomers, esters and ethers and salts of
20 isomers, esters and ethers of gamma hydroxybutyric acid, except
21 gamma-butyrolactone (GBL), whenever the existence of such
22 isomers, esters and salts is possible within the specific
23 chemical designation. For purposes of security requirements
24 imposed by law or regulation upon registered distributors and
25 registered manufacturers, this substance when manufactured,
26 distributed or possessed in accordance with an exemption
27 approved under section 505(i) of the Federal Food, Drug, and
28 Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) shall,
29 notwithstanding any other provision of this act, be classified
30 as a controlled substance in Schedule III of this section.

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2 Section 2. This act shall take effect in 60 days.